



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Letter Regarding Driveway Replacement at 107 North School Street

MEETING DATE: July 2, 1997

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council approve the letter committing the City to replace a driveway at 107 North School Street if one is approved as part of a new use on the site.

BACKGROUND INFORMATION: As part of the Downtown project, the City removed a driveway at the northwest corner parcel at School and Elm streets. This parcel is also served by a driveway on Elm Street and neither driveway was in regular use. As part of previous use approvals, the City had required that the School Street driveway be abandoned.

However, the property owner was not notified of the removal prior to the work and subsequently requested that it be replaced. Staff responded with a letter offering to replace the driveway at the City's expense should a future use be approved that includes a driveway on School Street (see Exhibit A which includes previous correspondence regarding the driveway).

This arrangement is acceptable to the owner and we are asking for Council concurrence.

FUNDING: None required at this time. If necessary, future funding from the Street Fund.


Jack L. Ronsko
Public Works Director

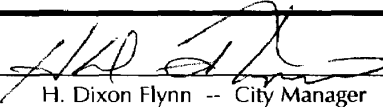
Prepared Richard C. Prima, Jr., City Engineer

JLR/RCP/lm

Attachments

cc: Property Owner, Mr. Mark Newfield

APPROVED: _____


H. Dixon Flynn -- City Manager

CITY COUNCIL

PHILLIP A. PENNINO, Mayor
JACK A. SIEGLOCK
Mayor Pro Tempore
KEITH LAND
STEPHEN J. MANN
DAVID P. WARNER

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 333-6706
FAX (209) 333-6710

H. DIXON FLYNN
City Manager
JENNIFER M. PERRIN
City Clerk
RANDALL A. HAYS
City Attorney

June 26, 1997

Mr. Mark Newfield
P. O. Box Q
Woodbridge, CA 95258

SUBJECT: Letter Regarding Driveway Replacement at 107 North School Street

Enclosed is a copy of background information on an item on the City Council agenda of Wednesday, July 2, 1997, at 7 p.m. The meeting will be held in the City Council Chamber, Carnegie Forum, 305 West Pine Street.

This item is on the consent calendar and is usually not discussed unless a Council Member requests discussion. The public is given an opportunity to address items on the consent calendar at the appropriate time.

If you wish to write to the City Council, please address your letter to City Council, City of Lodi, P. O. Box 3006, Lodi, California, 95241-1910. Be sure to allow time for the mail. Or, you may hand-deliver the letter to the City Clerk at 221 West Pine Street.

If you wish to address the Council at the Council meeting, be sure to fill out a speaker's card (available at the Carnegie Forum immediately prior to the start of the meeting) and give it to the City Clerk. If you have any questions about communicating with the Council, please contact Jennifer Perrin, City Clerk, at (209) 333-6702.

If you have any questions about the item itself, please call Richard Prima, City Engineer, at (209) 333-6706.



Jack L. Ronsko
Public Works Director

JLR/lm

Enclosure

cc: City Clerk

EXHIBIT A

CITY COUNCIL

PHILLIP A. PENNINO, Mayor
JACK A. SIEGLOCK
Mayor Pro Tempore
KEITH LAND
STEPHEN J. MANN
DAVID P. WARNER

CITY OF LODI

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H. DIXON FLYNN
City Manager
JENNIFER M. PERRIN
City Clerk
RANDALL A. HAYS
City Attorney

May 27, 1997

Mark Newfield
P.O. Box Q
Woodbridge, CA 94549

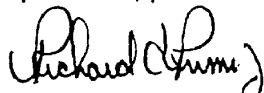
SUBJECT: Driveway at 107 North School Street

In response to your call, we have researched our files concerning the driveway at 107 N. School Street. This driveway was considered "abandoned" and was not replaced as part of the Downtown project. Attached are:

- August 25, 1989, letter with subsequent notes - At that time, the driveway was "abandoned," although you indicated you needed it for the site cleanup operation and the matter was dropped for the time being.
- August 2, 1991, building permit requirements for day care center at 107/109 N. School Street - The fourth bullet referred to multiple driveways. You indicated in our conversation that one at 109 N. School Street was abandoned.
- Crossover agreement recorded September 25, 1991 - This agreement between 107 and 109 N. School Street refers to a playground for the day care center.

These documents affirm our position that the driveway at 107 N. School Street is not necessary and has not been in use for over eight years. The site is not a parking lot as evidenced by the crossover agreement and does not meet the City's standards for a parking lot. The parcel is also served by a driveway on Elm Street. Replacing the School Street driveway with the Downtown project is actually saving you money, since it was done at no additional cost to you as part of the project. However, we certainly apologize for not informing you of our plans ahead of time.

At such time as a use is proposed for which a School Street driveway is approved, we would be willing to replace a comparable driveway at no cost to you. If you have any questions, please contact me at your convenience.



Richard C. Prima, Jr.
City Engineer

RCP/pmf

Enclosures

cc: City Manager
Traffic Engineer
Development Services Engineer
Community Development Department (Address File)

COUNCIL

JOHN R. (Randy) SNIDER, Mayor
DAVID M. HINCHMAN
Mayor Pro Tempore
EVELYN M. OLSON
JAMES W. PINKERTON, Jr.
FRED M. REID

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
CALL BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 334-5634
TELECOPIER: (209) 333-6795

THOMAS A. PETERSON
City Manager
ALICE M. REIMCHE
City Clerk
BOB McNATT
City Attorney

August 25, 1989

Richard Navone
P.O. Box Q
Woodbridge, CA 95258

COPY

SUBJECT: Property Located at 107 North School Street
(APN: 043-024-09)

The Public Works Department has received requests for additional on-street parking stalls adjacent to the driveways of the property you own located at 107 N. School Street. The driveway on School Street is no longer used and has a cable stretched across it preventing access. According to the City of Lodi Municipal Code, abandoned driveways shall be replaced with curb and gutter. This will not be required until the building use is determined. In the interim, the City is installing three parking stalls in front of this driveway. The driveway located on Elm Street will not be affected at this time.

If you have any questions regarding this matter, please contact Paula Fernandez, Traffic Engineer, at 333-6706 before August 31, 1989.

Richard (Randy) Snider

Jack L. Ronsko
Public Works Director

9-1-89

JLR/RSK/lw

cc: Assistant Civil Engineer-Traffic
Street Superintendent
Mayor Randy Snider

9/5/89

Spoke w/Randy Snider, he said
he'd contact Newfield.

JLR

Jack

Mark Newfield called, said he
represented owner. Said they are
doing clean-up work and still hope
to sell to City. Doesn't want
to have access restricted. I told
him we'd hold off.

Will you tell Randy or
do you want another letter

JLR

LNAVONE/TXTW.01L

CITY COUNCIL

DAVID M. HINCHMAN, Mayor
JAMES W. PINKERTON, Jr.
Mayor Pro Tempore
PHILLIP A. PENNINO
JACK A. SIEGLOCK
JOHN R. (Randy) SNIDER

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
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(209) 334-5634
FAX (209) 333-6795

August 2, 1991

THOMAS A. PETERSON
City Manager
ALICE M. REIMCHE
City Clerk
BOB McNATT
City Attorney

Joseph Newfield
P. O. Box 516
Lodi, CA 95240

SUBJECT: Construction Application #3549
109 North School Street, Lodi, CA

Off-site improvements are required by the City on all building permits with a value exceeding \$14,100.00 (Lodi Municipal Code, Chapter 15.44).

Because the improvements being made to your parcel are greater than this amount, the Public Works Department is placing the conditions listed below on the issuance of your building permit.

We understand from the Building Division that the two parcels must be joined to accommodate the use of the buildings as shown on your plan. The lot merger may be accomplished by either a lot line adjustment/record of survey or parcel map. Please contact the Community Development Department at 333-6711 to initiate the merger process. The balance of our comments are based on the assumption that the parcels will be merged.

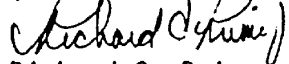
- ° Install water meter on existing water service. According to our records, a 1 1/2" water service currently serves both parcels. Please contact Fran Forkas, Water/Wastewater Superintendent, or his assistant, Frank Beeler at 333-6740 to discuss the meter size required. Current fees for 1" and 1 1/2" meter installation are \$150 and \$280, respectively.
- ° Assessment of additional sanitary sewer service units (SSU's) may be required. According to our records, this parcel has paid a sewer connection fee of 2.5 SSU's. Please contact Mr. Forkas or Mr. Beeler at 333-6740 to discuss your proposed operation so the appropriate connection fee may be determined. The need for a grease trap on the sanitary sewer service should also be discussed at that time.
- ° Install a cleanout conforming to Standard Plan 201 on the sewer service.
- ° Abandon unused driveways and replace with curb, gutter and sidewalk, conforming to City standards and repair damaged sidewalks. Sidewalk repair must conform to Standard Plan 117. The exact limits of the required work can be determined in the field. Please contact Wes Fujitani at 333-6706. A no fee encroachment permit must be obtained for this work.

Joseph Newfield
Construction Application #3549
August 2, 1991
Page 2

Payment of all fees and completion of the lot merger must be completed prior to the issuance of a building permit. The balance of the items may be included as part of your project, to be completed prior to final inspection by the Building Division.

We suggest that you review the history of this site with the appropriate day care licensing agencies so there are no "surprises" later in your project.

Should you have any questions, please call Sharon Welch, Assistant Civil Engineer, or me at 333-6706.



Richard C. Prima, Jr.
Assistant City Engineer

SAW/RCP/cll
Enclosure

cc: Building Division
Water/Wastewater Superintendent
Assistant Civil Engineer
Senior Civil Engineer

91094276

SAN JOAQUIN COUNTY
RECORDER'S OFFICE
JAMES M. JOHNSTONE

91 SEP 25 PM 12:03

Recording requested by and
when recorded mail to:

Joseph K. Newfield, III
P.O. Box Q
Woodbridge, CA 95258

RECORDED AT REQUEST OF

Joseph Newfield

FEE 13-1 III

CROSS OVER AGREEMENT BETWEEN ADJOINING LANDOWNERS

This agreement is made this 25th day of September, 1991, by and between Richard Navone, owner of the real property located at 107 North School Street, Lodi, California, and Joseph K. Newfield, III, owner of the real property located at 109 North School Street, Lodi, California.

The parties acknowledge that they have an interest in adjoining parcels of real property located in the City of Lodi, County of San Joaquin, State of California, and described respectively as follows: 107 North School Street, assessor's parcel number 043-024-09; and 109 North School Street, assessor's parcel number 043-024-08.

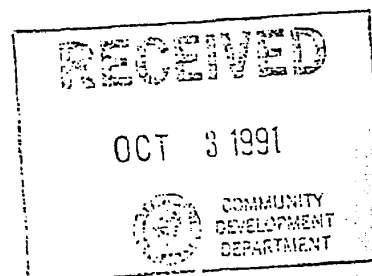
The parties to this agreement desire to create a common cross over privilege and right between themselves in reference to the above described adjoining parcels of property so that each parcel of property will have the use of the other property.

The parties to this agreement agree as follows:

1. Richard Navone hereby grants to Joseph K. Newfield, III, the right to cross over his property and use it as a means of ingress and egress to and from their respective property.

2. Joseph K. Newfield, III, hereby grants to Richard Navone the right to cross over his property and use it as a means of ingress and egress to and from his respective property.

The right of way and privilege of cross over for access which is being granted between the landowners as set forth above shall continue and be binding on the parties to this agreement, so long as the properties located at 107 North School Street and 109 North School Street, Lodi, California, are being utilized to such a degree that a playground is needed and a day care center is in business on the properties mentioned in this agreement.



91094276

This cross over agreement between adjoining landowners shall be binding on and shall inure to the benefit of the parties hereto, their heirs, successors, or assigns.

IN WITNESS WHEREOF, the parties have executed this cross over agreement between adjoining landowners the day and year first written above.

Richard Navone
RICHARD NAVONE

Joseph K. Newfield III
JOSEPH K. NEWFIELD, III

STATE OF CALIFORNIA

COUNTY OF San Joaquin

On this 25 day of September in the year of 1991, before me, the undersigned, a Notary Public in and for said State, personally appeared Joseph K. Newfield III, personally known to me (or proved on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Sharon K. Noya-Kouris
Notary Public in and for said State.

This document is only a general form which may be proper for use in simple transactions and in no way acts, or is intended to act, as a substitute for the advice of an attorney. The printer does not make any warranty, either express or implied, as to the legal validity of any provision or the suitability of these forms in any specific transaction.
Cowdery's Form No. 10G — ACKNOWLEDGMENT — All Purpose — (1/91)

STATE OF CALIFORNIA

COUNTY OF SAN JOAQUIN

On this 25 day of September in the year of 1991, before me, the undersigned, a Notary Public in and for said State, personally appeared Richard Navone, personally known to me (or proved on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Sharon K. Noya-Kouris
Notary Public in and for said State.

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